IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

Bail Appl..No. 6688 of 2007()

(CRIME NO.394/07 OF THE VATANAPPILLY POLICE STATION)

PETITIONER/ACCUSED:

1. **BABU, AGED 34, S/O.RAMAN,**
   ERAKIL HOUSE, EDASSERY P.O., THALIKULAM,
   CHAVAKKAD TALUK, THRISSUR DIST.

2. **AMMINI, AGED 55,**
   W/O.RAMAN, DO. DO.

3. **BIJU, AGED 25, S/O.RAMAN, DO. DO.**

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENT: STATE:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.RAVEENDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6688 of 2007

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Dated this the 13th day of November, 2007

ORDER

Application for anticipatory bail. Petitioners are the husband of the deceased, her mother in law and brother in law. The marriage between the deceased and the petitioner took place in 2003. He was employed abroad. His wife was residing with his relatives at the matrimonial home. There was some allegations of improper behaviour of the 3rd petitioner to the deceased. She promptly conveyed that information to the 1st petitioner. The 1st petitioner left his job abroad and came down. He along with the deceased took up a separate residence. They were blessed with a child also. The mother in law and brother in law were residing separately. There was strain in the relationship of the deceased on one hand and her mother in law and brother in law on the other. The husband, the 1st petitioner, though he was residing with the deceased did maintain a healthy and good relationship with his brother and mother. The child born on the wedlock is used to be taken by the 1st petitioner to his mother and brother, who were residing separately. On

12.9.07, when the 1st petitioner had taken the child to his mother, the deceased who was alone in the house allegedly committed suicide. It is now alleged that the petitioners have committed offences punishable under Section 498A and 306 IPC. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. The narration of facts above clearly reveal that the deceased was residing separately along with her husband. No specific allegations of any cruelty has, at all, been raised against the petitioners. In these circumstances the assumption that the petitioners are guilty of martimonial cruelty which prompted her to commit suicide is totally unjustified. No suicidal note has been left by the deceased, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. When he was called to explain specifically, any specific acts of cruelty of the petitioners towards the deceased, there is no specific circumstances pointed out.

4. Having considered all the relevant circumstances, I am satisfied that the petitioners can be granted anticipatory bail,

subject of course to appropriate conditions which shall ensure the interests of a fair, efficient and proper investigation.

4. In the result this petition is allowed. The following directions are issued under Sec.438 Cr.P.C

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 20.11.2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on 21.11.07 and 22.11.2007 and thereafter they shall make themselves available for interrogation on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to

arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(vi) If they were arrested prior to 20.11.2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 20.11.2007.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE